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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,724	03/16/2004	Lawrence Labeledz	40176-10013	1852
21788 7590 03/07/2007 RYNDAK & SURI LLP 200 W. MADISON STREET SUITE 2100 CHICAGO, IL 60606			EXAMINER HOGE, GARY CHAPMAN	
			ART UNIT	PAPER NUMBER
			3611	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/07/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/801,724	Applicant(s) LABEDZ, LAWRENCE	
	Examiner Gary C. Hoge	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-29 and 32-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-24, 26-29, 32-34, 45-48, 50 and 51 is/are rejected.
- 7) ☒ Claim(s) 25, 36-44 and 49 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not). Currently, there is no claim 34, and there are two claims numbered 41. Misnumbered claims 35-41 have been renumbered 34-

40. Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 20-23, 26, 28 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Callahan et al. (4,693,026).

See. Fig. 2. Callahan discloses an illuminated display device comprising a housing 11 having an opening; at least one lighting source 27 positioned inside the housing for projecting light through the opening; at least one display module removably disposed within the opening in the housing, the display module comprising a self-supporting, at least substantially translucent panel 29, a plurality of retention members (i.e., screws) for removably retaining a plurality of spaced apart divider members 41, the retention members secured to the panel in fixed relation and arrayed first and second opposed vertically spaced apart columns, and a plurality of display

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members **19** attached to the retention members, the display members having translucent portions; wherein the display module is frameless and the display members are removable from the display module without removal of the display module from the housing.

Regarding claims 21 and 46, each of the divider members **41** disclosed by Callahan are formed in opposed pairs and are horizontally disposed, positioned over the panel, and each is removably held by the opposed retention members.

Regarding claim 28, see Fig. 3.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 20-24, 26, 28, 29, 32-34, 45-48, 50 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harkins et al. (4,364,616) in view of Sharon et al. (5,636,463).

See. Fig. 4. Harkins et al. discloses an illuminated display device comprising a housing **9** having an opening; at least one lighting source **25** positioned inside the housing for projecting light through the opening; at least one display module removably disposed within the opening in the housing, the display module comprising a self-supporting, at least substantially translucent panel **20**, a plurality of retention members **37, 40** the retention members secured to the panel in fixed relation and arrayed first and second opposed vertically spaced apart columns, and a plurality of display members **21** attached to the retention members, the display members having translucent portions; wherein the display module is frameless. However, the panel disclosed by

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Harkins must be removed from the housing in order to remove the display member. Sharon teaches that it was known in the art to provide a plurality of retention members **58**, secured to a panel **32** in fixed relation and arrayed in first and second opposed vertical columns that are horizontally spaced apart, and in which a plurality of opposed, horizontally disposed divider members **42** hold display members mechanically. It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the retaining members disclosed by Harkins with the mechanical connection disclosed by Sharon, in order to be able to remove the display members individually, without having to remove the whole panel from the housing.

Regarding claims 50 and 51, see column 3, lines 55-58, of Harkins. The bottom of the panel constitutes a tab that fits into a horizontal slot at the bottom of the housing.

6. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Callahan et al. (4,693,026) in view of Stoddard (6,178,678).

Callahan discloses the invention substantially as claimed, as set forth above. However, it is not known what type of plastic Callahan contemplates for the translucent panel. Because it is within the level of ordinary skill of a worker in the art to select from among known materials on the basis of their suitability for the fabrication of a given device, and because Stoddard teaches that polycarbonate would be suitable for the fabrication of a plastic display panel, it would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate the display panel disclosed by Callahan from polycarbonate, as taught by Stoddard, as a matter of choice in design, based on such factors as cost and availability of the materials to the designer.

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7. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harkins et al. (4,364,616) in view of Stoddard (6,178,678).

Harkins discloses the invention substantially as claimed, as set forth above. However, it is not known what type of plastic Harkins contemplates for the translucent panel. Because it is within the level of ordinary skill of a worker in the art to select from among known materials on the basis of their suitability for the fabrication of a given device, and because Stoddard teaches that polycarbonate would be suitable for the fabrication of a plastic display panel, it would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate the display panel disclosed by Harkins from polycarbonate, as taught by Stoddard, as a matter of choice in design, based on such factors as cost and availability of the materials to the designer.

Response to Arguments

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

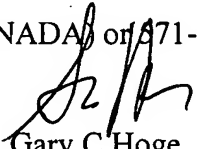
9. Claims 25, 35-37 and 49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
10. Claims 38-40 would be allowable if rewritten or amended to overcome the objection set forth in this Office action. Such correction will also put claims 41-44 in condition for allowance.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C. Hoge whose telephone number is (571) 272-6645. The examiner can normally be reached on 5-4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Gary C Hoge
Primary Examiner
Art Unit 3611

gch